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OFFICE OF PETITIONS

In re Application of	:	
Carlos R. Plata-Salaman et al.	:	
Application No. 10/797,795	:	ON PETITION
Filed: March 10, 2004	:	
Attorney Docket No. ORT-1575CON	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed August 10, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2,160 extension of time fee submitted with the petition on March 2, 2007 was subsequent to the maximum extendable period for reply. The \$2,160 extension of time fee will be deposited back to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to Technology Center AU 1614 for appropriate action on the concurrently filed election.

Liana Walsh
Petitions Examiner
Office of Petitions

Docket No.: **ORT 1575USCNT**
EFS Filing: March 2, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant(s): Carlos R. Plata-Salaman et al. Confirmation No.: 4508

Application No.: 10/797,795 Group Art: 1614

Filing Date: March 10, 2004 Examiner: Michel Graffeo

Title: **CARBAMATE COMPOUNDS FOR USE IN PREVENTING OR
TREATING NEURODEGENERATIVE DISORDERS**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for unintentional failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

Adjustment date: 02/27/2008 CKHLOK
03/05/2007 INTEFSW 00000256 100750 10797795
02 FC:1255 2160.00 CR

1. Petition fee

☐ Small entity fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity fee \$1,500 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of a RESPONSE TO RESTRICTION REQUIREMENT (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for small entity or \$ _____ for other than a small entity disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

STATEMENT: The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Fee payment:

- ☒ Charge the petition fee of \$1,500.00 to Account 10-0750/ORT1575USCNT/PLH and for any additional fee required.
- ☐ A check in the sum of \$_____ is attached.
- ☒ Charge Account 10-0750/ ORT1575USCNT/PLH for any additional fee required.

Respectfully submitted:

/Peter L Herridge/
PETER L. HERRIDGE
Reg. No.: 42,658
Attorney for Applicant(s)

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: (732) 524-5352
Date: March 2, 2007
EPM

Enclosures: ☒ Fee Payment

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional Sheets containing statements establishing unintentional delay
- ☐ Other: _____

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>01/08/08</u>		2 Serial/Patent # <u>10/797,795</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
<input checked="" type="checkbox"/>	Extension of Time		03/02/07	\$ 2,160.00							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$2,160.00								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
	Duplicate Payment		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>1</td><td>0</td><td>--</td><td>0</td><td>7</td><td>5</td><td>0</td></tr></table>		1	0	--	0	7	5	0
1	0	--	0	7	5	0					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
No extension needed, case was already abandoned.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Terri Williams</u>		TITLE: <u>Paralegal Specialist</u>									
SIGNATURE: _____		PHONE: <u>(571) 272-2991</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u></u>		DATE: <u>2/27/08</u>									

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